

STATE OF TEXAS §  
COUNTIES OF ARANSAS §  
SAN PATRICIO AND NUECES §  
CITY OF ARANSAS PASS §

On this the 15th day of October, 2012 the City Council of the City of Aransas Pass convened in a Regular Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Tommy Knight Mayor  
Vickie Abrego Mayor Pro Tempore  
James A. Mills Council Member  
Billy Ellis Council Member  
Phillip Hyatt Council Member

ABSENT:

ADMINISTRATIVE  
PERSONNEL PRESENT: Mike Sullinger Interim City Manager  
Yvonne Stonebraker City Secretary

ADMINISTRATIVE  
PERSONNEL ABSENT: Allen Lawrence City Attorney

STAFF PRESENT: Eric Blanchard Police Chief  
Paul Alvarado Public Works Supervisor

OTHERS PRESENT: Don & Jeanie Brummett, Randall Freeze, Mike Reeves, Thomas Estes, Commissioner Jack Chaney, Mack & Kathy Oliver, John Young/GrantWorks, Phil & Nell Reynolds, Robert Cohen, Gus Perez, Eric & Jeanette Kindervator, Lynn Warren, Christie Whitehead, Mike & Jan Moore, David Underbrink/Naismith Engineering Inc., Randy & Jeanne Hunter.

*There may have been others present who did not sign in.*

1. **CALL MEETING TO ORDER.**

Mayor Knight called the Meeting to order at 7:00 P.M. on October 15, 2012.

2. **INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.**

Mayor Pro Tem Abrego gave the Invocation and Mayor Knight led the Pledge of Allegiance to the United States Flag.

3. **CONSENT AGENDA.**

A. **CONSIDER AND ACT ON MINUTES OF OCTOBER 1, 2012.**

Council Member Mills made a motion to approve the minutes of October 1, 2012. Council Member Hyatt seconded the motion and the motion carried unanimously.

4. **PUBLIC HEARING ON REQUEST OF MR. JOHN POLLARD FOR A NON-TRANSFERABLE; PERPETUAL CONDITIONAL USE PERMIT TO OPERATE A TRANSMISSION SHOP AND REVISE CAR STORAGE. THE PROPERTY IS DESCRIBED AS LOTS 27, 28, 29, 30, & 31, BLOCK 521, 752 N. COMMERCIAL STREET, ARANSAS PASS, ARANSAS COUNTY, TEXAS. THE PROPERTY IS ZONED (GB) GENERAL BUSINESS DISTRICT.**

City Attorney Allen Lawrence opened the Public Hearing at 7:03 P.M. on request of Mr. John Pollard for a non-transferable; perpetual, Conditional Use Permit.

Attorney Lawrence asked if there was anyone present to speak in favor of this request.

Mr. Pollard was not present but Planning and Zoning Chairperson, Randall Freeze, stated Planning and Zoning had approved Mr. Pollard's request with a revision to his Conditional Use

Permit by allowing no more than twenty (20) automobiles stored in front of the business after hours. He stated Mr. Pollard's transmission business was growing and needed more room.

Attorney Lawrence asked if there was anyone present to speak against this request.

There was none.

Attorney Lawrence closed the Public Hearing at 7:06 P.M.

5. CONSIDER AND ACT ON REQUEST OF MR. JOHN POLLARD FOR A NON-TRANSFERABLE; PERPETUAL CONDITIONAL USE PERMIT TO OPERATE A TRANSMISSION SHOP AND REVISE CAR STORAGE. THE PROPERTY IS DESCRIBED AS LOTS 27, 28, 29, 30, & 31, BLOCK 521, 752 N. COMMERCIAL STREET, ARANSAS PASS, ARANSAS COUNTY, TEXAS. THE PROPERTY IS ZONED (GB) GENERAL BUSINESS DISTRICT.

Council Member Mills made a motion to approve the request of Mr. John Pollard for a non-transferable; perpetual Conditional Use Permit to operate a transmission shop and revise car storage. The property is described as Lots 27, 28, 29, 30, & 31, Block 521, 752 N. Commercial Street, Aransas Pass, Aransas County, Texas. The property is zoned (GB) General Business District. Council Member Hyatt seconded the motion and the motion carried unanimously.

6. PUBLIC HEARING ON REQUEST OF MS. CHRISTINE WHITEHEAD FOR A CONDITIONAL USE PERMIT TO OPERATE RE-SALE SHOP. THE PROPERTY IS DESCRIBED AS LOTS 5 & 6, BLOCK 540, 827 N. COMMERCIAL STREET, ARANSAS PASS, ARANSAS COUNTY, TEXAS. THE PROPERTY IS ZONED (GB) GENERAL BUSINESS DISTRICT.

City Attorney Lawrence opened the Public Hearing at 7:08 P.M. on request of Ms. Christine Whitehead for a Conditional Use Permit.

Attorney Lawrence asked if there was anyone present to speak in favor of this request.

Ms. Christine Whitehead stated she would like to open a re-sale shop at 827 N. Commercial. She stated all merchandise would remain indoors.

Attorney Lawrence asked if there was anyone present to speak against this request.

There was none.

Attorney Lawrence closed the Public Hearing at 7:10 P.M.

7. CONSIDER AND ACT ON REQUEST OF MS. CHRISTINE WHITEHEAD FOR A CONDITIONAL USE PERMIT TO OPERATE RE-SALE SHOP. THE PROPERTY IS DESCRIBED AS LOTS 5 & 6, BLOCK 540, 827 N. COMMERCIAL STREET, ARANSAS PASS, ARANSAS COUNTY, TEXAS. THE PROPERTY IS ZONED (GB) GENERAL BUSINESS DISTRICT.

Council Member Mills made a motion to approve the request of Ms. Christine Whitehead for a Conditional Use Permit to operate re-sale shop. The property is described as Lots 5 & 6, Block 540, 827 N. Commercial Street, Aransas Pass, Aransas County, Texas. The property is zoned (GB) General Business District. Council Member Hyatt seconded the motion and the motion carried unanimously.

8. PUBLIC HEARING ON REQUEST OF JUAN JOSE CRUZ FOR A NON-TRANSFERABLE; PERPETUAL CONDITIONAL USE PERMIT TO OPERATE A BAR. THE PROPERTY IS DESCRIBED AS LOTS 13, 14, 15, & 16, BLOCK 548, 0.574 ACRES, 157 S. COMMERCIAL STREET, ARANSAS PASS, SAN PATRICIO COUNTY, TEXAS. THE PROPERTY IS ZONED (GB) GENERAL BUSINESS DISTRICT.

City Attorney Lawrence opened the Public Hearing at 7:11 P.M. on request of Mr. Juan Cruz for a perpetual Conditional Use Permit.

Attorney Lawrence asked if there was anyone present to speak in favor of this request.

Mr. Cruz stated he would like to revise his 2 year Conditional Use Permit to a perpetual Conditional Use Permit.

Attorney Lawrence asked if there was anyone present to speak against this request.

There was none.

Attorney Lawrence closed the Public Hearing at 7:16 P.M.

9. CONSIDER AND ACT ON REQUEST OF JUAN JOSE CRUZ FOR A NON-TRANSFERABLE; PERPETUAL CONDITIONAL USE PERMIT TO OPERATE A BAR. THE PROPERTY IS DESCRIBED AS LOTS 13, 14, 15, & 16, BLOCK 548, 0.574 ACRES, 157 S. COMMERCIAL STREET, ARANSAS PASS, SAN PATRICIO COUNTY, TEXAS. THE PROPERTY IS ZONED (GB) GENERAL BUSINESS DISTRICT.

Council Member Hyatt made a motion to approve the request of Juan Jose Cruz for a non-transferable; perpetual Conditional Use Permit to operate a bar. The property is described as Lots 13, 14, 15, & 16, Block 548, 0.574 Acres, 157 S. Commercial Street, Aransas Pass, San Patricio County, Texas. The property is zoned (GB) General Business District. Council Member Mills seconded the motion and the motion carried unanimously.

10. CONSIDER AND ACT ON REQUEST OF MACK OLIVER, OLIVER'S MARTIAL ARTS, WHO WOULD LIKE TO TRANSFER LEASE FROM 518 BIGELOW TO 302 BIGELOW.

Council Member Mills made a motion to table Agenda Item 10. Mayor Pro Tem Abrego seconded the motion and the motion carried unanimously.

11. CONSIDER AND ACT ON DESIGNATING BY RESOLUTION ADMINISTRATION AND ENGINEERING SERVICE PROVIDERS FOR THE 2012 TEXAS CDBG FUND AWARD.

Council Member Mills made a motion to table Agenda Item 11. Council Member Ellis seconded the motion and the motion carried unanimously.

12. CONSIDER AND ACT ON RESOLUTION TO DESIGNATE AUTHORIZED SIGNATORS FOR THE 2012 TEXAS CDBG PROGRAM.

Council Member Mills made a motion to table Agenda Item 12. Council Member Ellis seconded the motion and the motion carried unanimously.

13. CONSIDER AND ACT ON AWARDED BID FOR THE CONN BROWN HARBOR SANITARY PUMP-OUT TO LECTRICS ELECTRICAL CONTRACTORS, INC. (ROCKPORT, TEXAS) FOR \$51,650.00.

Council Member Mills made a motion to approve awarding the bid for the Conn Brown Harbor Sanitary Pump-out to Lectrics Electrical Contractors, Inc. (Rockport, Texas) for \$51,650.00. Mayor Pro Tem Abrego seconded the motion and the motion carried unanimously.

14. CONSIDER AND ACT ON APPROVING INTERLOCAL COOPERATION AGREEMENT - ROADS BETWEEN ARANSAS COUNTY AND THE CITY OF ARANSAS PASS.

Aransas County Commissioner, Mr. Jack Chaney, stated the City of Aransas Pass and Aransas County signs an Interlocal Cooperation Agreement (regarding roads) every year.

Council Member Hyatt made a motion to approve Interlocal Cooperation Agreement - Roads between Aransas County and the City of Aransas Pass. Council Member Mills seconded the motion and the motion carried unanimously.

15. CONSIDER AND ACT ON REQUEST OF REPUBLIC SERVICES (FORMERLY ALLIED WASTE) TO DISCUSS POSSIBLE SERVICE OPTIONS FOR REFUSE COLLECTION, RECYCLING AND BRUSH PICK-UP.

Mr. Mike Reeves, Republic Services (FKA Allied Waste Services) introduced himself to the City Council and thanked the council for utilizing Republic Services for their refuse pick-up. He stated he had been with the Company for two years.

City Council asked Mr. Reeves to submit price estimates on different refuse collection scenarios on once a week pick-up; once a week pick-up with recycling; and shingle removal from the city's transfer station.

16. CITIZENS' COMMENTS.

There were none.

17. **RECESS REGULAR MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.**

Mayor Knight recessed the Regular Meeting at 7:39 and retired into Executive Session.

- A. **SECTION 551.072** - DELIBERATIONS REGARDING REAL ESTATE – CONN BROWN HARBOR LEASES
- B. **SECTION 551.071** - CONSULTATION WITH CITY ATTORNEY – LEGAL MATTERS – REGGIE H. WINTERS

18. **RECONVENE IN REGULAR MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.**

Mayor Knight reconvened the Regular Meeting at 8:26 P.M.

- A. **SECTION 551.072** - DELIBERATIONS REGARDING REAL ESTATE – CONN BROWN HARBOR LEASES

No action taken.

- B. **SECTION 551.071** - CONSULTATION WITH CITY ATTORNEY – LEGAL MATTERS – REGGIE H. WINTERS

Council Member Mills made a motion to approve Attorney Lawrence pursuing issues regarding litigation documentation. Council Member Ellis seconded the motion and the motion carried unanimously.

19. **ADJOURNMENT OF MEETING.**

Council Member Mills made a motion to adjourn the meeting. Council Member Hyatt seconded the motion and the motion carried unanimously.

Mayor Knight adjourned the meeting at 8:27 P.M.

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Tommy Knight, Mayor

ATTEST:

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Yvonne Stonebraker, City Secretary